

## Message Text

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ORIGIN EA-10

INFO OCT-01 ISO-00 H-02 L-03 MMS-01 CIAE-00 DODE-00 PM-03

INR-07 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 AID-05 OMB-01 ACDA-05 TRSE-00 EB-07 SNM-02

DEAE-00 /077 R

DRAFTED BY EA/PHL:ECHULEN:EY

APPROVED BY EA/BAFLECK

H:ASCHNEE (SUBS)

L:CRUNYON (SUBS)

----- 021801

P 122159Z JUN 75

FM SECSTATE WASHDC

TO AMEMBASSY MANILA PRIORITY

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E.O. 11652: N/A

TAGS: RP, MASS, PFOR, PINS, PORS, SHUM

SUBJECT: CONGRESSIONAL INTEREST: HUMAN RIGHTS HEARINGS

1. WOULD APPRECIATE RECEIVING EMBASSY COMMENTS AND SUGGESTIONS BY OPENING OF BUSINESS WASHINGTON TIME JUNE 18 ON QUESTIONS ASKED BY CONGRESSMAN FRASER REGARDING HUMAN RIGHTS IN PHILIPPINES.

2. FRASER HAS FORMALLY REQUESTED DEPARTMENT TO TESTIFY AT HEARING ON KOREA AND PHILIPPINES JUNE 24 AND HAS ASKED THAT OUR OPENING STATEMENT AT HEARING INCLUDE COMMENTS ON QUESTIONS REPEATED BELOW. WE HAVE ADEQUATE DATA PERTAINING TO QUESTIONS 8 (MAP FIGURES) AND 10 (ECONOMIC AID FIGURES AND HILAO CASE). WE PARTICULARLY NEED EMBASSY HELP WITH REPLIES TO QUESTIONS 6, 7, AND 9.

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3. FRASER QUESTIONS ARE AS FOLLOWS:

1. WAS THE USG (UNITED STATES GOVERNMENT) CONSULTED BY PRESIDENT MARCOS OR OTHER PHILIPPINE GOVERNMENT OFFICIALS REGARDING THE DECISION TO DECLARE MARTIAL LAW IN 1972?

IF SO, WHAT POSITION DID WE TAKE?

2. AT THE TIME MARTIAL LAW WAS DECLARED WHY DID THE USG

FAIL TO MAKE A PUBLIC STATEMENT REGRETING THE DECISION?

3. DOES THE USG BELIEVE THAT MARTIAL LAW IN THE PHILIPPINES IS REQUIRED TODAY?

4. DURING MY RECENT VISIT TO THE PHILIPPINES, MANY PEOPLE I TALKED TO HAD THE IMPRESSION THAT THE USG HAS SUPPORTED FROM ITS INCEPTION THE IMPOSITION OF MARTIAL LAW? WHAT REASONS WOULD CAUSE THEM TO HAVE SUCH AN IMPRESSION?

5. WOULD YOU BRIEFLY DESCRIBE THE SEVERAL REFERENDA PRESIDENT MARCOS HAS HELD SINCE THE DECLARATION OF MARTIAL LAW? IN TERMS OF THE QUESTIONS ADDRESSED TO THE ELECTORATE AND THE CONDUCT OF THE REFERENDA, HAVE THE REFERENDA ACCURATELY AND FULLY REFLECTED THE WILL OF THE PHILIPPINE PEOPLE?

6. STATUS OF HUMAN RIGHTS. MAY WE HAVE A LEGAL AND FACTUAL DESCRIPTION OF THE FOLLOWING AREAS RELATING TO HUMAN RIGHTS:

A. THE NUMBER OF POLITICAL PRISONERS IN THE PHILIPPINES.

(BY THE TERM "POLITICAL PRISONERS" I MEAN PERSONS WHO HAVE BEEN DETAINED, ARRESTED OR PUNISHED FOR THEIR BELIEFS OR OPINIONS, BUT WHO HAVE NEITHER USED NOR ADVOCATED VIOLENCE). HOW MANY OF THE POLITICAL PRISONERS HAVE BEEN TRIED; HOW MANY CONVICTED; AND WHAT HAVE BEEN THEIR SENTENCES?

B. THE LENGTH OF TIME POLITICAL PRISONERS ARE DETAINED WITHOUT BEING CHARGED AND TRIED FOR OFFENSES. THE ACCESS OF LAWYERS AND FAMILY TO POLITICAL PRISONERS DURING THEIR PERIOD OF DETAINMENT.

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C. TO WHAT EXTENT HAVE POLITICAL PRISONERS EXPERIENCED TORTURE OR OTHER FORMS OF MISTREATMENT? WHAT HAS THE GOVERNMENT OF THE PHILIPPINES (GOP) DONE TO PREVENT THE PRACTICE OF TORTURE? HOW MANY PERSONS HAVE BEEN CONVICTED OF PRACTICING TORTURE?

D. THE EXTENT TO WHICH DUE PROCESS PROCEDURES ARE BEING FOLLOWED IN THE ARREST, DETENTION AND TRIAL OF POLITICAL PRISONERS;

E. FREEDOM OF OPINION AND EXPRESSION, INCLUDING  
FREEDOM OF THE PRESS;

F. THE RIGHTS OF TRADE UNIONS;

G. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION,  
INCLUDING THE RIGHT TO FORM POLITICAL PARTIES.

7. HAS THE USG MADE REPRESENTATIONS TO THE GOP CON-  
CERNING HUMAN RIGHTS QUESTIONS? WHAT HAS BEEN THE RE-  
SPONSE OF THE GOP?

8. HOW MUCH MILITARY ASSISTANCE WAS FURNISHED TO THE  
GOP DURING FISCAL 1970 THROUGH 1975? BY "MILITARY  
ASSISTANCE" I MEAN TO INCLUDE THE MILITARY ASSISTANCE  
PROGRAM (MAP), FOREIGN MILITARY SALES CREDITS (FMS),  
EXCESS DEFENSE ARTICLES (EDA), SHIP TRANSFERS, MILITARY  
ASSISTANCE IN THE FORM OF THE JOINT U.S. MILITARY AD-  
VISORY GROUP (JUSMAEP), AND OFFICER TRAINING.

USING THE ABOVE CATEGORIES, WOULD YOU DESCRIBE THE  
KINDS OF EQUIPMENT AND SERVICES PROVIDED IN THE ABOVE  
MENTIONED FISCAL YEARS AS WELL AS YOUR PLANS FOR FISCAL  
YEAR 1975.

HOW DOES THE DEPARTMENT APPLY SECTION 502B WITH RE-  
SPECT TO THE PHILIPPINES? DOES THE DEPARTMENT CONSIDER  
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THE HUMAN RIGHTS SITUATION IN THE PHILIPPINES TO HAVE  
ANY BEARING ON THE KINDS AND AMOUNTS OF MILITARY AS-  
SISTANCE WHICH IT RECOMMENDS PROVIDING TO THE GOP IN  
FISCAL YEAR 1976.

9. THE SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS HAS  
RECEIVED TESTIMONY THAT U.S. MILITARY ASSISTANCE IS  
BEING USED BY THE GOP TO PERFORM POLICE FUNCTIONS AS  
WELL AS SUPPRESS INSURGENCY ACTIVITY. ENCLOSED FOR  
YOUR COMMENT IS "A REPORT ON THE VOLUME FORMS, AND  
FUNCTIONS OF U.S. MILITARY ASSISTANCE TO THE MARTIAL  
LAW REGIME IN THE PHILIPPINES", PREPARED BY THE NATION-  
AL CO-ORDINATING COMMITTEE OF THE ANTI-MARTIAL LAW  
(PHILIPPINES) MOVEMENT AND SUBMITTED DURING THE COURSE  
OF THE HEARINGS. I WOULD APPRECIATE YOUR COMMENTS ON  
THAT PAPER. IN PARTICULAR, IS IT TRUE THAT SOME OF THE  
MILITARY EQUIPMENT WE PROVIDE IS BEING USED TO SUPPRESS  
THE MUSLIM RESISTANCE TO MARTIAL LAW AND OTHER INSUR-  
GENCY ACTIVITIES? THE PAPER REFERS TO SUCH EQUIPMENT  
OR SERVICES AS TROOP SHIPS, TRANSPORT PLANES, MILITARY  
ADVISORS, M-16'S AND HIGH-POWERED RECOILLESS RIFLES,

M-79 GRENADE LAUNCHERS, HELICOPTERS, ARMED PERSONNEL  
CARRIERS, FRAGMENTATION BOMBS AND NAPALM, C-119 CARGO  
PLANES, INSHORE PATROL CRAFT, LIGHT GROUND-SUPPORT

PLANE (OV-10). THE SUBCOMMITTEE WOULD APPRECIATE  
KNOWING HOW THE GOP HAS USED EACH OF THE ABOVE-MEN-  
TIONED EQUIPMENT AND SERVICES. IF THE UNITED STATES  
SUPPLIED EQUIPMENT AND SERVICES IS BEING USED TO SUP-  
PRESS INSURGENCY MOVEMENTS OR TO PERFORM POLICE FUNC-  
TIONS WOULD IT BE ACCURATE TO SAY THAT WE ARE INTER-  
VENING IN THE DOMESTIC AFFAIRS OF THE PHILIPPINES?

10. PLEASE DESCRIBE THE VARIOUS FORMS OF ECONOMIC  
ASSISTANCE AND CREDITS PROVIDED THE GOP.

SEVERAL WITNESSES TESTIFIED THAT CERTAIN FORMS OF  
U.S. ECONOMIC ASSISTANCE WERE BEING USED TO CONDUCT  
POLICE OR ANTI-INSURGENCY FUNCTIONS. FOR INSTANCE,  
FATHER BRUNO HICKS REPORTED THAT A NARCOTICS TEAM  
(AIDED BY U.S. FUNDS) ARRESTED A POLITICAL SUSPECT WHO,  
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A WEEK LATER, DIED IN PRISON. PLEASE BRIEFLY DESCRIBE  
THE NARCOTICS PROGRAM FOR THE PHILIPPINES. BY WHAT  
MEANS DOES THE USG AUDIT THE PURPOSES FOR WHICH  
NARCOTICS PROGRAM IS USED BY THE GOP? KISSINGER

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